

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)

MDL No. 1456

CIVIL ACTION: 01-CV-12257PBS

THIS DOCUMENT RELATES TO)
01-CV-12257-PBS AND 01-CV-339)

Judge Patti B. Saris

Chief Magistrate Judge Marian B. Bowler

DEFENDANT SICOR INC. AND SICOR PHARMACEUTICALS, INC.'S
MOTION FOR PROTECTIVE ORDER

Pursuant to Fed. R. Civ. P. 26(c) Defendants Sicor, Inc. and Sicor Pharmaceuticals, Inc. (collectively, "Sicor") respectfully move the Court to enter a Protective Order requiring Plaintiffs to bear the costs of restoring 300 back-up tapes containing *potentially* responsive emails pursuant to Plaintiffs' discovery requests. The back-up tapes in question cover a four-year time period spanning 1998 through February of 2002.

As set forth more fully in the accompanying Memorandum of Law in Support of Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Motion for a Protective Order, Sicor has dutifully and diligently complied with its discovery obligations to date and has not refused to produce any relevant non-privileged information which may reside on the back-up tapes at issue. Sicor seeks the entry of a protective order to prevent undue burden to and expense for Sicor in restoring such tapes, which is estimated to be in excess of \$40,000.00.

Accordingly, Sicor respectfully requests that the Court grant its motion and enter an order requiring Plaintiffs to pay for the cost of restoring these back-up tapes.

REQUEST FOR ORAL ARGUMENT

Sicor believes that oral argument may assist the Court in resolving this Motion and accordingly requests, pursuant to Local Rule 7.1(D), that the Court schedule a hearing on this motion.

Dated June 14, 2005

Respectfully submitted:



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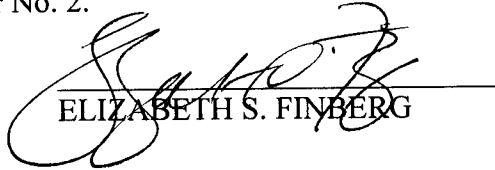
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*Counsel for Defendants Sicor, Inc. and Sicor
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CERTIFICATE OF SERVICE

I, Elizabeth S. Finberg, an attorney, hereby certify that on June 14, 2004, I caused a true and correct copy of the foregoing Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Motion for a Protective Order and Memorandum in Support of Its Motion for Protective Order, with Exhibits to be served on all counsel of record electronically via Verilaw Technologies, pursuant to Section D of Case Management Order No. 2.


ELIZABETH S. FINBERG